

On October 1, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27936. Misbranding of Fruit-Spread. U. S. v. 11 Packages, 8-ounce Size, et al., of Fruit-Spread. Default decrees of condemnation and destruction. (F. & D. Nos. 40042, 40113, 40114. Sample Nos. 50756-C, 50775-C.)**

These products were artificially colored mixtures of concentrated fruits, acid, pectin, and sugar; and they were labeled to imply that they consisted entirely of fruits. The product in some of the 2-ounce packages was short weight.

On August 12 and 19, 1937, the United States attorney for the Eastern District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 92 8-ounce packages and 568 2-ounce packages of various types of Fruit-Spread in part at Colbert, Wash., and in part at Opportunity, Wash., alleging that the articles had been shipped in interstate commerce between the dates of March 27 and July 26, 1937, by California Fruit Products, Ltd., from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Raspberry [or "Loganberry," "Blackberry," "Grape," "Currant," "Orange," or "Concord Grape"] Sun Gold Fruit-Spread \* \* \* This package contains concentrated fruit, fruit pectin and acid from citrus fruits Pure Dextrose. U. S. Certified Color \* \* \* Manufactured and guaranteed by California Fruit Products, Ltd., Los Angeles, California."

The articles were alleged to be misbranded in that the following statements in the labeling, "Raspberry [or "Loganberry," "Blackberry," "Grape," "Currant," "Orange," or "Concord Grape"] Makes ten pounds Fruit-Spread Simply Add Sugar, Water and Boil," were false and misleading and tended to deceive and mislead the purchaser in that they implied that the articles were 100 percent fruit; whereas they contained 40 percent or more of added sugar, added acid, added pectin, an artificial color and the misleading impression was not corrected by the statement of composition, which was inconspicuously displayed. Some of the 2-ounce packages of loganberry, blackberry, grape, and currant were alleged to be misbranded further in that they were short weight.

On November 18, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27937. Adulteration of canned tomato paste. U. S. v. 22 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. No. 40057. Sample No. 46502-C.)**

This product contained excessive mold.

On August 11, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cases of tomato paste at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce on or about June 25, 1937, by the Fredonia Salsina Canning Co., Inc., from Fredonia, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Blue Bird Brand Fancy Paste of Tomatoes \* \* \* Packed by Fredonia Salsina Canning Co. Inc."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On October 21, 1937, no claimant having appeared, judgment of condemnation was entered ordering the product destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27938. Adulteration of canned tuna. U. S. v. 700 Cases of Tuna. Decree of condemnation. Product released under bond. (F. & D. No. 40069. Sample No. 41036-C.)**

This product was in part decomposed.

On or about August 16, 1937, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 700 cases of canned tuna at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about July 21, 1937, by the Coast Fishing Co. from Wilmington, Calif., and charging adulteration in violation of the Food and

**Drugs Act.** The article was labeled in part: (Cans) "Sultana Tuna \* \* \* The Great Atlantic & Pacific Tea Co. New York, N. Y. Distributors."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On November 24, 1937, the Coast Fishing Co., Wilmington, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be disposed of in compliance with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27939. Adulteration of blueberries. U. S. v. 9 Crates of Blueberries. Default decree of condemnation and destruction.** (F. & D. No. 40076. Sample No. 38265-C.)

This product was infested with worms.

On August 4, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 2, 1937, by Duris Bros. from Granville Center, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Highland Blues Grown and Packed by Duris Brothers Granville Center, Mass."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On October 16, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27940. Adulteration of butter. U. S. v. 436 Tubs of Butter. Product released under bond.** (F. & D. No. 40083. Sample Nos. 43145-C, 43146-C, 43152-C, 53153-C, 53155-C, 43156-C, 43157-C.)

This product contained less than 80 percent of milk fat.

On August 2, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 436 tubs of butter at St. Louis, Mo., alleging that the article had been shipped in various shipments from May 23 to July 19, 1937, inclusive, by the Pruitt Produce Co. from Ardmore, Okla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On November 4, 1937, Tom J. May, St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released to claimant under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27941. Adulteration of walnut meats. U. S. v. 8 Cartons of Walnut Meats. Default decree of condemnation and destruction.** (F. & D. No. 40127. Sample No. 51128-C.)

This product was in part moldy, worm-eaten, rancid, and decomposed.

On August 14, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight cartons of walnut meats at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 27, 1937, by the Davis Nut Shelling Co. from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Ambers From Davis Nut Shelling Co." It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On October 9, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*